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Application No. 09/964,221  
SD-7650

AUG 17 2006

REMARKS

Information Disclosure Statement

Copies of the HEDAYAT et al. and LEHMANN references are provided. Applicants apologize for not providing these earlier.

Claim Status:

Claims 1-41 are pending.

**Claim Rejections**

Rejections under 35 USC §112

Claims 2 and 32 were rejected under 35 USC §112, second paragraph, as being indefinite, because of the word "substantially". In order to advance this case to allowance, applicants have deleted the word "substantially" from claims 2 and 32. Accordingly, the claims are now definite, and the rejection has been overcome.

Rejections under 35 USC §103(a)

Claims 1-10, 13-20, and 22 were rejected under 35 U.S.C. § 103 as being unpatentable over Bianco et al. in view of Meister et al.

**Issue #1: *Bianco* is not a proper 103(a) reference.**

*Bianco et al.* issued as US patent 6,526,737 on July 3, 2001. The instant application was filed Sept. 26, 2001, less than three months after the *Bianco* reference was available to the public. Hence, *Bianco* is an improper 103(a) reference.

**Issue #2: The Office has failed to make a prima facie case of obviousness.**

In order to make a prima facie case of obviousness, all of the elements of the claim must be present in the prior art. The Office has failed to find all of the elements of claim 1

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in the prior art. Hence, the invention recited in claim 1 is non-obvious.

The Office states: "Bianco does not expressly disclose calculating a Euclidean distance metric between the encrypted measurements; wherein the calculated Euclidean distance metric is identical to a Euclidean distance metric between the measurements prior to transformation". Applicants concur.

The Office also states "Meister teaches using Euclidean distance for verification of biometric data." Applicants concur. However, Meister does not teach encrypting the data. Therefore, Meister teaches using a Euclidean distance measure for verification of **unencrypted biometric data**.

There are two elements of claim 1 that are not taught or suggested by either *Bianco* or *Meister*.

Element #1

Claim 1 recites, *inter alia*, the step of :

*"calculating a Euclidean distance metric between the encrypted measurements"*.

Neither Bianco or Meister teach this. The office states above that Bianco doesn't teach this, and Applicants submit that Meister cannot teach this because Meister doesn't even teach encrypting the measurements.

Element #2

Claim 1 recites, *inter alia*, the step of :

*"wherein the calculated Euclidean distance metric is identical to a Euclidean distance metric between the measurements prior to transformation"*

Neither Bianco or Meister teach this. The office states above that Bianco doesn't teach this, and Applicants submit that Meister cannot teach this because Meister doesn't even

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teach encrypting the measurements, doesn't teach taking a Euclidean distance metric of encrypted data, and certainly doesn't teach the encryption transformation has the special property that the calculated Euclidean distance metric is identical to a Euclidean distance metric between the measurements prior to transformation.

Therefore, since two of the elements of claim 1 are not taught by the prior art cited by the office, a prima facie case of obviousness cannot be supported. Hence, the rejection of claim 1 under 103(a) should be withdrawn.

Accordingly, claim 1 is now in condition for allowance.

The remaining claims, likewise, are now in condition for allowance, for the same reasons.

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**CONCLUSION**

Applicants have responded to each and every objection and rejection, and urge that claims 1-41 as presented and amended are now in condition for allowance. Applicants request expeditious processing to issuance.

The Office is authorized to charge Deposit Account # 19-0131 for any necessary fees regarding this response.

Respectfully submitted,

Robert D. Watson

Robert D. Watson  
Reg. No. 45,604

Ph: (505) 845-3139  
Fax: (505) 845-2391

e-mail: rdwatso@sandia.gov

Sandia National Laboratories  
P.O. Box 5800 MS-0161  
Albuquerque, NM 87185-0161

Customer No. 20567

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Robert D. Watson

Robert D. Watson